

REMARKS

The present application was filed on June 21, 2001, with claims 1-29. The application claims priority to U.S. Provisional Patent Application Serial No. 60/266,791 filed on February 6, 2001. Claims 5, 17 and 25-29 were canceled in an amendment filed April 22, 2005. Claims 1-4, 6-16 and 18-24 are currently pending in the application. Claims 1 and 13 are the independent claims.

Applicants respectfully request reconsideration of the present application in view of the above amendments and the remarks to follow.

In the Office Action, the Examiner rejects claims 7-12, 19-24 and 27-29 under 35 U.S.C. §103(a). See the Office Action at page 3, section 4, and page 5, section 13. This is clearly improper in that, as noted above, claims 1-4, 6-16 and 18-24 are pending in the present application. Thus, the particular rejections set forth in the Office Action apparently fail to address certain pending claims, namely, claims 1-4, 6, 13-16 and 18, while also addressing other claims that are not pending. On this basis alone, the stated rejections are improper, and should be withdrawn.

In addition, Applicants note that there are only two §103(a) rejections specified in the Office Action. The first, set forth at page 3, section 4, is a §103(a) rejection of claims 7-12, 19-24 and 27-29 over U.S. Patent No. 6,559,863 (hereinafter "Megiddo") in view of U.S. Patent No. 5,491,743 (hereinafter "Shiio"). The second, set forth at page 5, section 13, is a §103(a) rejection of the very same set of claims, that is, claims 7-12, 19-24 and 27-29, over Megiddo and Shiio in view of U.S. Patent No. 5,884,039 (hereinafter "Ludwig"). The second rejection appears to render the first rejection redundant and superfluous. There are no other rejections set forth in the Office Action.

The Office Action is thus believed to be facially unclear, inconsistent and indefinite, and as such it fails to comply with the regulations promulgated by the USPTO. See, for example, 37 C.F.R. §1.104(b), which indicates that the Office Action "will be complete as to all matters," and 37 C.F.R. §1.104(c)(1), which indicates that "[i]f the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected." Accordingly, a new Office Action clearly setting forth a proper disposition of each pending claim should be issued,

and should be indicated as having a non-final status so that Applicants can be provided with a fair and reasonable opportunity to consider such dispositions.

Notwithstanding the foregoing traversal, Applicants have amended independent claims 1 and 13 to more clearly and distinctly set forth the subject matter which Applicants regard as the invention.

Claim 1 has been amended to clarify that participation information is collected by monitoring the states of communication devices associated with the participants, rather than by monitoring the states of all devices connected to the conference. Also, the claim has been amended to indicate that different ones of the participants in the group may be in different participation modes at a given point in time, the participation modes including at least an active mode in which a given participant is currently active in the conference and a monitor mode in which the given participant is monitoring the conference but is not currently active in the conference. Further, the claim indicates that the states of the communication devices associated with the participants are monitored regardless of whether particular ones of the participants are in the active mode or the monitor mode. Moreover, the visual representation is specified as comprising participation history information indicative of which of the participation modes particular ones of the participants have been in at certain points in time.

Similar amendments have been made to claim 13. The set up unit is specified as being configured such that different participants in the group may be in different participation modes at a given point in time, the participation modes including at least an active mode in which a given participant is currently active in the conference and a monitor mode in which the given participant is monitoring the conference but is not currently active in the conference. The monitor is specified as being configured to monitor the states of communication devices associated with the participants regardless of whether particular ones of the participants are in the active mode or the monitor mode, and the display unit is specified as being configured to dynamically display a visual representation comprising participation history information indicative of which of the participation modes particular ones of the participants have been in at certain points in time.

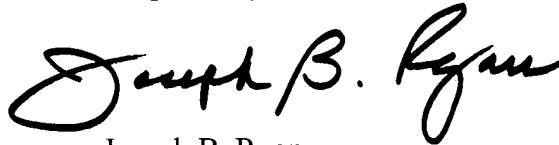
The previous limitation of claims 1 and 13 reciting “without requiring participant generated explicit commands to do so” has been eliminated.

Support for the amendments made herein to claims 1 and 13 may be found in the specification at, for example, page 2, lines 2-27, page 9, lines 11-25, and page 25, line 9, to page 28, line 8.

The collective teachings of Megiddo, Shiio and Ludwig, assuming for purposes of argument that these references are combinable, fail to meet the limitations of claims 1 and 13 as amended.

In view of the above, Applicants believe that claims 1-4, 6-16 and 18-24 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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